

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

**KEITH E. MORRIS,**

**Plaintiff,**

**v.**

**MICHAEL J. ASTRUE,  
Commissioner of the Social  
Security Administration,**

**Defendant.**

**Case No. CIV-10-121-SPS**

**OPINION AND ORDER**

The claimant Keith E. Morris sought judicial review of the decision by the Commissioner of the Social Security Administration (“Commissioner”) denying benefits pursuant to 42 U.S.C. § 405(g). The claimant argued, *inter alia*, that the Administrative Law Judge (“ALJ”) erred by: (i) failing to properly consider the opinions of treating and examining physicians; (ii) failing to consider in his written opinion that claimant had qualified for disability benefits from the Veteran’s Administration (VA); and, (iii) failing to perform a proper credibility determination.

After the claimant filed his appellate brief, the Commissioner moved to remand the case to the ALJ for rehearing in order to obtain a new decision to reconsider, *inter alia*, the effect of the award of VA benefits and the effects of claimant’s mental health symptoms on his limitations to perform work in the national economy. The claimant has no objection to the Commissioner’s Motion and Brief to Remand [Docket No. 19], so the motion is therefore GRANTED.

Accordingly, the Court finds that the decision of the Commissioner is unsupported by substantial evidence, and it is therefore REVERSED pursuant to the fourth sentence of 42 U.S.C. § 405(g). The case is hereby REMANDED to the ALJ for rehearing and a new administrative decision as outlined herein. The claimant is the prevailing party in this action and the Court will therefore render a separate judgment in his favor pursuant to Fed. R. Civ. P. 58(b)(2)(B).

**DATED** this 15<sup>th</sup> day of November, 2010.



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**STEVEN P. SHREDER**  
**UNITED STATES MAGISTRATE JUDGE**